

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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APPLETON PAPERS INC. and  
NCR CORPORATION,

Plaintiffs,

v.

Case No. 08-C-00016

GEORGE A. WHITING PAPER COMPANY, *et al.*,

Defendants.

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NCR CORPORATION,

Plaintiff,

v.

Case No. 08-C-895

KIMBERLY-CLARK CORPORATION, *et al.*,

Defendants.

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**ORDER**

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Based on the stipulation submitted by NCR Corporation (“NCR”) and Appleton Papers (“API”) (collectively, “Plaintiffs”) and Kimberly-Clark Corporation (“Kimberly-Clark”), **IT IS HEREBY ORDERED** that:

1. Kimberly-Clark shall recover nothing from NCR for past response costs;
2. NCR shall reimburse Kimberly-Clark an amount equal to the full amount of any future response costs that are recoverable under 42 U.S.C. § 9607 that Kimberly-Clark may incur in connection with Operable Unit 2 through Operable Unit 5 of the Lower Fox River Site, subject to the Court’s ruling on insurance offsets in the March 2011 Order (Dkt. #1080);

3. NCR shall reimburse Kimberly-Clark an amount equal to the full amount of any future natural resource damages payments that Kimberly-Clark may incur in connection with Operable Units 2 through 5 of the Lower Fox River Site, subject to the Court's ruling on insurance offsets in the March 2011 Order (Dkt. #1080);

4. Judgment is entered in favor of API and against Kimberly-Clark on all of Kimberly-Clark's counterclaims;

5. Judgment is entered in favor of NCR and against Kimberly-Clark on all of Kimberly-Clark's counterclaims arising under the laws of the State of Wisconsin or any other state;

6. Any order dismissing Kimberly-Clark's counterclaims against Plaintiffs *without* prejudice is hereby vacated, and this Order governs as to Kimberly-Clark's counterclaims against Plaintiffs; and

7. This Order shall not affect any of Plaintiffs' or Kimberly-Clark's rights to challenge, on appeal or otherwise, the Court's March 2011 Order (Dkt. #1080), the Court's July 2012 Order (Dkt. #1405), the Court's October 2012 Order (Dkt. #1437), or any other order issued by this Court.

Dated this 1st day of November, 2012.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court